

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

Angel Marquez Perez,)	C/A No. 0:10-1960-HMH-PJG
)	
Plaintiff,)	
)	
vs.)	ORDER
)	
Sargent Rosemary Sanders, and Captain Cliff)	
McElvogue,)	
)	
Defendants.)	
)	

The plaintiff has filed this action, *pro se*, seeking relief pursuant to 42 U.S.C. § 1983.

Plaintiff, a pre-trial detainee, alleges violations of his constitutional rights by the named defendants. The defendants filed a motion to dismiss or in the alternative for summary judgment on December 30, 2010, pursuant the Federal Rules of Civil Procedure. (ECF No. 19.) As the plaintiff is proceeding *pro se*, the court entered an order pursuant to Roseboro v. Garrison, 528 F.2d 309 (4th Cir. 1975) on January 3, 2011, advising the plaintiff of the importance of a motion to dismiss or in the alternative for summary judgment and of the need for him to file an adequate response.¹ (ECF No. 20.) The plaintiff was specifically advised that if he failed to respond adequately, the defendants' motion may be granted, thereby ending his case.

Notwithstanding the specific warning and instructions set forth in the court's Roseboro order, the plaintiff has failed to respond to the motion. As such, it appears to the court that he does not oppose the motion and wishes to abandon this action.

¹ The court notes that the mailing containing this order was returned as undeliverable. (See ECF No. 23.) The court further observes that the plaintiff was specifically advised of his obligation to keep the court apprised of his current address and the consequences of failing to do so. (See ECF No. 6.)

Based on the foregoing, it is

ORDERED that the plaintiff shall advise the court as to whether he wishes to continue with this case and to file a response to the defendants' motion to dismiss or in the alternative for summary judgment within fourteen (14) days from the date of this order. Plaintiff is further advised that if he fails to respond, **this action will be recommended for dismissal with prejudice for failure to prosecute.** See Davis v. Williams, 588 F.2d 69, 70 (4th Cir. 1978); Fed. R. Civ. P. 41(b).

IT IS SO ORDERED.



Paige J. Gossett
UNITED STATES MAGISTRATE JUDGE

February 10, 2011
Columbia, South Carolina